UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,031	04/25/2000	Thomas Alan Sponheim	MS147303.1	9355

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EXAMINER
ALI, SYED J

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/558,031	SPONHEIM ET AL.
	Examiner	Art Unit	
	Syed J. Ali	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 May 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-46</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed May 3, 2005. Claims 1-46 are

presented for examination.

2.   The text of those sections of Title 35, U.S. code not included in this office action can be

found in a prior office action.

Claim Rejections - 35 USC § 103

3.   **Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis**

(USPN 6,785,869).

4.   As per claim 1, Berstis teaches the invention as claimed, including a system for retrieving

data, comprising a client device programmed to create a communications channel in response to

selecting an element displayed on a page (col. 9 lines 59-62; col. 11 lines 22-30, 61-66) and to

communicate information about the element via the communications channel (col. 10 lines 33-

38, 43-45; col. 11 lines 18-21), the client device displaying on the page definitional information

related to the selected element based on response data received via the communications channel

(col. 8 lines 30-32; col. 10 lines 51-54); wherein the creation of the communications channel is

event driven and responsive to at least one user-generated event (col. 8 lines 37-45; col. 10 line

63 - col. 11 line 2; col. 11 lines 5-12, 22-30).

5.   It is noted that Berstis does not necessarily require that a communications channel be

opened in response to a word or element being selected on a page since the glossary and

dictionary are locally stored on the client and only periodically updated. However, Berstis discusses various ways that the glossary/dictionary may be updated, including refreshing upon the user adding an entry, a different user adding an entry, or upon the spell checker or acronym checker coming across an unfamiliar word. A number of updating methods are available, including but not limited to the claimed method of retrieving data after the user has selected an element on the page.

6.   As per claim 2, Berstis teaches the invention as claimed, including the system of claim 1, wherein the client device is programmed to create a container on the page in response to the element being selected (col. 7 lines 30-36), the container being used to display the definitional information based on response data received via the communications channel (col. 8 lines 30-32, 51-59).

7.   As per claims 3-4, Berstis teaches the invention as claimed, including the system of claim 1, wherein the response data received via the communications channel programs the client device dynamically to display the definitional information on the page (col. 7 lines 30-36; col. 8 lines 16-18, 30-32), wherein the client device is programmed to at least one of copy and transfer at least some of the response data to a container for displaying the definitional information based on the at least some of the response data on the page relative to the selected element (col. 7 lines 30-36; col. 10 lines 23-29).

8. As per claims 5-6, Berstis teaches the invention as claimed, including the system of claim 4, wherein the client device is programmed to create the container on the page in response to the element being selected (col. 7 lines 30-36; col. 10 lines 23-29), wherein the container is positioned adjacent to the selected element (col. 10 lines 33-38, 51-56).

9. As per claims 7-8, Berstis teaches the invention as claimed, including the system of claim 5, wherein the definitional information displayed in the container further includes selectable container elements (col. 10 lines 33-38, 51-56) and the client device is further programmed to communicate via the communications channel information about the at least one container element in response to selecting at least one container element (col. 10 lines 42-44, 57-62).

10. As per claims 9-10, Berstis does not specifically teach the invention as claimed, including the system of claim 1, wherein the communications channel is an inline floating frame programmed to access an Active Server Page associated with a database.

11. However, a number of protocols and data formats can be implemented in network communications. Berstis does indicate that the acronym/glossary checker is compatible with Internet browsers, but does not specifically address the data format or protocols used. It would have been obvious to one of ordinary skill in the art that any number of Web compatible protocols could be used, while remaining within the scope and spirit of the invention, such as ActiveX, HTML, DHTML, XML, ASP, JavaScript, etc.

12.   As per claim 11, Berstis teaches the invention as claimed, including the system of claim

1, wherein the information about the element includes at least one of a uniform resource locator

and metadata associated with the displayed page (col. 11 lines 9-12, 27-38).

13.   As per claim 12, Berstis teaches the invention as claimed, including the system of claim

1, wherein the selected element includes at least one word (col. 7 lines 36-39, 43-46, 52-54).

14.   As per claim 13, Berstis teaches the invention as claimed, including the system of claim

1, wherein the displayed page further includes a plurality of selectable elements and the selected

element includes at least one of the selectable elements (col. 6 lines 40-51).

15.   As per claims 14-26, Berstis teaches the invention as claimed, including a system for

retrieving data, comprising a client-server model for implementing the system of claims 1-13

(Fig. 1).

16.   As per claim 27-36, Berstis teaches the invention as claimed, including a computer-

readable medium having computer-executable instructions for performing acts comprising the

steps performed by the system of claims 1-13 (Figs. 2, 3).

17.   As per claims 37-46, Berstis teaches the invention as claimed, including a method for

dynamically retrieving data, comprising the steps performed by the system of claims 1-13 (col. 1

lines 56-57).

Response to Arguments

18.   **Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new grounds of rejection.**

Conclusion

19.   Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Syed Ali
May 23, 2005

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